

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MILAN HEGGS, ROY BECKFORD and
PHILIP LEGREE, *individually and on behalf of*
a class of all others similarly situation,
Plaintiffs,

and

DISABILITY RIGHTS NEW YORK,
Plaintiff,

and

DISABLED IN ACTION,
Plaintiff,

- against -

THE CITY OF NEW YORK, NEW YORK
CITY POLICE (NYPD), COMMISSIONER
JAMES P. O'NEILL; NYPD COMMISSIONER
DERMOT F. SHEA; NYPD OFFICER (P.O.)
ROBERT BERNHARDT; P.O. MOORAN, P.O.
SLATER; JOHN DOES 1-8,

Defendants.

No. 17-CV-03234 (RJD)(TAM)

**AFFIDAVIT OF
JEAN RYAN IN SUPPORT OF
MEMORANDUM OF LAW IN
SUPPORT OF PLAINTIFF'S
MOTION FOR CLASS
CERTIFICATION**

JEAN RYAN, being duly sworn, deposes and swears to the following:

1. I am the President of Disabled In Action of Metropolitan New York, Inc. (DIA).
2. DIA is a non-profit corporation organized under the laws of New York State.
3. DIA is a civil rights organization that has been committed to ending

discrimination against people with disabilities since its founding in 1970.

4. DIA is a membership organization consisting primarily of and directed by people with disabilities.

5. I have a mobility disability myself.
6. DIA has several hundred members.

7. Members of DIA include people with mobility disabilities living and working throughout the five boroughs.

8. DIA's members with mobility disabilities have been arrested in New York City and could be arrested again in the future.

9. At least one of DIA's members with a mobility disability has been arrested on multiple occasions at various protests and demonstrations in New York City while conducting civil disobedience. This member intends to continue performing civil disobedience in the future and faces a high likelihood of arrest.

10. I too have been arrested in the past at a demonstration for engaging in civil disobedience in support of a civil rights cause.

11. The fear of being arrested and then subjected to a humiliating and degrading process due to my mobility disability has stopped me from attending protests and demonstrations in the past.

12. Due to a fear of our members suffering from such treatment upon arrest and detention, DIA has not encouraged its members to attend various protests and demonstrations. This has hindered DIA in realizing its goals as an organization.

13. The objectives of DIA include promoting the ability of persons with disabilities to live independently and working to support the passage of laws that affirm and defend the rights of people with disabilities.

14. DIA has expended substantial time and resources on advocacy work in New York City and has also participated in legal actions against New York City, seeking equal treatment for individuals with all disabilities, including mobility disabilities.

15. In particular, DIA has devoted substantial resources and time toward advocating to making New York City's Police Department's precincts accessible to those with mobility disabilities.

16. In 2016, DIA sued the City of New York, alleging that the New York City's Police Department's 77 precincts were inaccessible to members of the public in wheelchairs and thus noncompliant with the Americans with Disabilities Act (ADA).

17. The court granted plaintiffs' partial summary judgment, finding New York City and its Police Department liable for discrimination against people with mobility disabilities due to the extensive inaccessibility of its precinct stations and the lack of sufficient accommodations to address these barriers.

18. If DIA did not have to advocate to combat the New York City Police Department the City of New York's noncompliance with the New York City Human Rights Law and ADA, its time and resources could be expended on other initiatives to benefits its members and the community at large.

19. If not for the New York City Police Department and the City of New York's noncompliance with the New York City Human Rights Law and ADA, DIA would be able to encourage its members to attend various protests and demonstrations related to its mission that it currently does not, due to a fear of how its members would be treated upon being taken into custody. This frustrates DIA's mission and objectives.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on:

September 17, 2022


Jean Ryan